

Deficiencies and Corrective Actions

1. **Deficiency:** the CUPA is not in all instances, documenting that all facilities that have received a notice to comply citing minor violations have returned to compliance within 30 days of notification.

CUPA Corrective Action: In the short term, the CUPA will immediately make sure that all facilities are tracked to insure that the "Return to Compliance" or RTC certificates are returned within 30 days or a reinspection is performed at the facility with the appropriate enforcement taken to remedy each uncorrected violation. Efforts will be made to more accurately report RTC's on the CUPA Annual Summary Report #3. Inspection reports and any subsequent RTC's or reinspection reports shall be submitted to the CUPA Supervisor for review monthly.

In the long term, the Division will implement the violation tracking system using the ENVISION database. To start, all the hazardous waste violations will be coded and each violation entered into the database during the daily time accounting. The violation will be given a compliance date and will remain open until resolved. When the RTC is received or a follow-up inspection verifies that the violation has been corrected, the violation will then be closed in the database. Each inspector will review the list of open violations and conduct any necessary follow-up inspections on his assigned facilities. After the hazardous waste violations are coded, the UST, business plan program and CAIARP programs will be coded.

CalEPA and DTSC Response: The CUPA's corrective action is sufficient. This deficiency is considered corrected. No further updates are needed.

2. **Deficiency:** The CUPA is not fully regulating agricultural handlers (farms) under the **business plan program**.

CUPA Corrective Action: By December 1, 2007, the CUPA will identify those agricultural handlers that may be subject to the business plan program. The business plan program will address the dairy (approximately 340), poultry, and hog operations in Merced County. Currently there are approximately 3 dairies and 4 chicken/poultry ranches in the business plan program. As part of the Merced County Animal Confinement Ordinance, a CNMP (Comprehensive Nutrient Management Plan) must be approved by the Division of Env. Health for each animal confinement facility in the County. The CNMP application will be amended to include information so that the CUPA will be able to determine if a hazardous material business plan is necessary for the site. A dairy "business plan

template” has been developed for use by the dairy operators, as the dairies tend to use the same hazardous materials at their facilities. Also, the CUPA will obtain a listing of the 2006/2007 Restricted Materials Pesticide Permit holders from the Merced County Agricultural Commissioner’s Office. This list will be used as a database to contact agricultural handlers to determine if they have threshold amounts of hazardous materials at their facilities or if they can be exempted from the business plan requirements. The agricultural handlers already in the ENVISION database and the new handlers entered into the system will be coded with an identifier to more easily determine their true numbers (there are now approximately 80 agricultural handlers in the ENVISION database). They will be coded as business plan facilities and invoiced Division fees and the state surcharge.

CalEPA Response: The CUPA’s corrective action is sufficient. This deficiency is considered corrected. No further updates are needed..

3. **Deficiency:** The CUPA is not fully regulating agricultural handlers (farms) under the hazardous waste program.

CUPA Corrective Action: By December 1, 2007, the CUPA will identify those agricultural handlers that may be subject to the generator program. The generator program will address the dairy (approximately 340), poultry, and hog operations in Merced County. As part of the Merced County Animal Confinement Ordinance, a CNMP (Comprehensive Nutrient Management Plan) must be approved by the Division of Env. Health for each animal confinement facility in the County. The CNMP application will be amended to include information so that the CUPA will be able to determine if the operator is subject to the generator program. Also, the CUPA will immediately obtain a listing of the 2006/2007 Restricted Materials Pesticide Permit holders from the Merced County Agricultural Commissioner’s Office. This list will be used as a database to contact agricultural handlers to determine if they generate any hazardous waste. The CUPA will also review the DTSC generator database (active EPA ID numbers for Merced County) from the HWTS to determine if there are any agricultural handlers. The agricultural handlers/generators already in the ENVISION database and the new handlers/generators entered into the system will be coded with an identifier to more easily determine their true numbers (there are now approximately 80 agricultural handlers/generators in the ENVISION database). We will review the CESQG listing (CESQG’s that have applied to bring their CESQG hazardous waste to our Permanent HHW site for disposal) to determine if there are agricultural handlers registered as CESQG’s with the Division. They will be coded as generators and invoiced Division fees and the state surcharge.

CalEPA and DTSC Response: The CUPA’s corrective action is sufficient. This deficiency is considered corrected. No further updates are needed.

4. **Deficiency:** In FY 04/05 and 05/06, the CUPA did not assess or collect the annual CalARP state surcharge. The CUPA only collects the annual CalARP state surcharge when the CUPA collects their County's annual CalARP operating fee. The CUPA did not assess an annual CalARP operating fee in FY 04/05 and 05/06, and therefore did not collect the annual CalARP state surcharge. In FY 03/04 the CUPA collected \$200 in annual CalARP state surcharges.

CUPA Corrective Action: By April 1, 2007, the CUPA will collect the FY 06/07 annual CalARP state surcharge from the CalARP facilities. Invoices were submitted to the 36 CalARP facilities in early January. As of 1/31/07, 16 facilities had paid the CalARP state surcharge for a total of \$4320.00 collected. So far in February, 7 facilities have paid for a total of \$1890.00 collected (Jan/Feb total of \$6210.00). The total CUPA surcharges collected will be reported in the 3rd Quarterly CUPA Report #1 (includes Jan/Feb/Mar 2007).

CalEPA Response: The CUPA's corrective action is sufficient. This deficiency is considered corrected. No further updates are needed.